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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,244	12/31/2003	Bernard Herman Van Bilderbeek	121947.0011.000	3838

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EXAMINER

STEPHENSON, DANIEL P

ART UNIT PAPER NUMBER

3672

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/751,244

Applicant(s)

VAN BILDERBEEK, BERNARD
HERMAN

Examiner

Daniel P. Stephenson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-20, 24-33 and 35-41 is/are rejected.
- 7) ☒ Claim(s) 5, 21-23 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/30/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because figures 2-4 lack cross hatching defining the structure of the apparatus. In addition, there are a number of stray marks that should be eliminated. Also, the reference numerals should be a uniform shape and size and not be encircled. Also, there should not be borders or titles on the figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "50", "51", "54", "55" and "60". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

Art Unit: 3672

reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: the reference numeral "52" on line 27 of page 14 should be --53--.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: on line 1 of the claim, the terms "a tubing member a first diameter" is unclear. The examiner suggests that this be changed to --a tubing member that has a first diameter--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14-17 are directed toward a method, but are dependent from an apparatus. It is unclear as to whether these claims should depend from a different claim or refer to the apparatus of the claim they currently depend from.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 6, 9, 13, 14, 18-20, 29-31, 35 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Bilderbeek '596. Van Bilderbeek '596 discloses a wellhead assembly. It has an inner, generally cylindrical tubing and an outer, generally cylindrical tubing (50) that radially surrounds the inner tubing member. There is an external sealing apparatus for sealing the annulus between the inner tubing and the outer tubing. It has a sealing zone on the internal wall of the outer tubing and a complementary sealing zone on the outer wall of the inner tubing. There is a plurality of clamping arrangements secured to the outer tubing. Each of the clamping arrangement is selectively moveable between a first position wherein the clamping arrangement does not secure the outer tubing to the inner tubing member and a second position wherein the clamping arrangement radially compress a portion of the outer tubing radially inwardly. The clamping arrangements are radially aligned with the complementary sealing zones. They have an annular compression member (64) radially surrounding the outer tubing. The annular compression member has a pair of opposed, outwardly facing ramp surfaces. There is at least a pair of collars (72, 74) radially surrounding the compression member. Each of the collars having

Art Unit: 3672

an inwardly facing ramp surface for contacting an adjoining ramp surface of the compression member. There are means (78) for axially moving the pair of collars with respect to one another to cause the annular compression member to be moved radially inwardly to cause the outer tubing to be compressed radially inwardly. The clamping arrangements are located at intervals along the outer tubing. The sealing zones are each a metal sealing surface on each of the tubing members for defining a metal-to-metal seal when the compression system is activated. The compression system comprises a wedge surface and a flange adapted for engaging the wedge, one of said wedge and flange being each located on one of the outer tubular member and the compression system. The tubular member is compressed radially inwardly upon relative axial movement between the wedge and the flange. The member is locked in the sealing position with a locknut (76).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 4, 15, 16, 24-28, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Bilderbeek '596 in view of Koleilat et al. Van Bilderbeek '596 shows all the limitations of the claimed invention, except it does not disclose that there are resilient seal members on the inner tubing or outer tubing that form a gap between the seal when compression is activated. Nor does it show that there is a slip mechanism on the inner tubular that acts in concert with an annular member on the outer tubular. Koleilat et al. discloses a wellhead in

Art Unit: 3672

which there are resilient seals (20) between the inner tubular member and the outer tubular member that are located on the outer tubular. In addition there is a set of slips (14) engaged with the inner tubular and the outer tubular. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the seals and slips of Koleilat et al. with the apparatus of Van Bilderbeek '596. This would be done to hold the tubing in place while the compression system was activated and to provide a local seal between the tubulars.

11. Claims 7, 8, 10-12, 36, 37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Bilderbeek '596 in view of Sturme y. Van Bilderbeek '596 shows all the limitations of the claimed invention, except it does not disclose that the compression member is activated through a hydraulic ram. Sturme y discloses a hydraulic ram (39) that is used in the movement of two related mechanical elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the ram of Sturme y instead of the bolt and pin of Van Bilderbeek '596. This would be done because it is taught in Van Bilderbeek '596 (col. 6 lines 44-46) that the compression means can be activated using alternative means.

Allowable Subject Matter

12. Claims 5, 21-23 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3672


Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burns et al. and DeBerry show similar elements to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 